

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

February 4, 2021

Mr. Scott de la Vega  
Acting Secretary  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Dear Acting Secretary de la Vega,

In his first week in office, President Biden issued executive orders (EO) at an unprecedented pace.<sup>1</sup> President Biden's unilateral actions spared few policy areas and included drastic changes to our national energy supply and security. For example, EO 13990 halts leasing in the Arctic National Wildlife Refuge, revokes the Keystone XL Pipeline permit, and instructs agencies to analyze past actions for consistency with the Biden Administration's climate agenda.<sup>2</sup> Additionally, EO 14008 includes a directive for the Department of the Interior (DOI) to pause new oil and gas leases until completion of a comprehensive analysis.<sup>3</sup> In response to EO 13990, DOI instituted a problematic 60-day suspension of mineral leasing and permits on federal land through Secretarial Order 3395.<sup>4</sup>

We are already seeing the harmful, long-term consequences of these abrupt orders. The revocation of Keystone XL Pipeline's permit immediately resulted in 1,000 lost jobs, and tens of thousands more will be eliminated if drilling on federal land remains prohibited.<sup>5</sup> This is a direct violation of President Biden's own campaign promises. Economic impacts of a permanent ban include a \$700 billion decrease in U.S. Gross Domestic Product, decreased natural gas exports, and increased reliance on foreign oil.<sup>6</sup> An annual loss of \$8.8 billion for conservation projects will also occur as a result of a prolonged ban.<sup>7</sup>

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<sup>1</sup> Evan Koslof, *Verify: Yes, President Biden Has Signed More Executive Orders in His First Week than any Past President*, WUSA9 NEWS, (Jan. 27, 2021) <https://www.wusa9.com/article/news/verify/verify-yes-biden-signed-more-executive-orders-in-his-first-week-than-any-past-president/65-06d6cad9-3027-41ef-96be-654216ad81e3>. (President Biden issued 22 executive orders in his first week, compared to President Trump's four, President Obama's five, and President George W. Bush's none).

<sup>2</sup> Exec. Order No. 13990, 86 Fed. Reg. 14, 7037 (Jan. 20, 2021).

<sup>3</sup> Exec. Order 14008, 86 Fed. Reg. 19, 7619 (Jan. 27, 2021).

<sup>4</sup> Dep't of the Interior, Secretarial Order 3395 (Jan. 20, 2021).

<sup>5</sup> Timothy Puko, Ken Thomas, & Andrew Restuccia, *Biden's Climate-Change Policy Targets Oil Industry*, THE WALL ST. J. (Jan. 26, 2021), <https://www.wsj.com/articles/biden-to-suspend-new-federal-oil-and-gas-leasing-11611672331?page=1>.

<sup>6</sup> *A Federal Leasing and Development Ban Threatens America's Energy Security and Economic Growth, Undermines Environmental Progress*, API, <https://www.api.org/news-policy-and-issues/exploration-and-production/federal-leasing-and-development-ban-study>.

<sup>7</sup> Press Release, Western Energy Alliance, *Biden's Leasing Ban on Public Lands Challenged by Western Energy Alliance in Federal Court* (Jan. 27, 2021) (on file with author).

Secretarial Order 3395's broad language foments industry uncertainty, especially in the oil, gas, mining, and timber sectors. Further, Secretarial Order 3395 consolidates decision-making authority to nine people, and it remains unclear how these individuals will address permit approvals, land sales and exchanges, mineral leases, and hiring while minimizing the susceptibility of an abuse of discretion.<sup>8</sup> The broad authority raises questions about the efficacy of processing requests, good faith efforts made to prevent delayed decisions, and the proper execution of legally mandated actions.

Congressional rebukes of Secretarial Order 3395 were swift and bipartisan. In addition to Republican-introduced legislation to counter the moratorium and prevent similar future actions,<sup>9</sup> Democrats urged President Biden to rescind the order, citing significant job and revenue losses.<sup>10</sup> The execution of these executive branch orders is opaque and ignores blatant harms to our nation's workforce and energy supply.

With a high level of anticipated damages to the American worker, industry, and consumer, it is imperative that due diligence, not arbitrary and capricious decisions, prevail prior to implementing these policies. Therefore, we request information related to the level of analysis, if any, conducted to assess the impact of Secretarial Order 3395, as well as information related to the execution and potential consequences of these policies. To assist us with our oversight activities, please produce the following as soon as possible, but no later than February 18, 2021:

1. All documents and communications referring or relating to a cost-benefit analysis conducted prior to issuing Secretarial Order 3395.
2. All documents and communications referring or relating to the procedures by which the nine individuals, vested with authority by Secretarial Order 3395, will make decisions.
3. All documents and communications referring or relating to implementation guidance issued to bureaus and state offices for Secretarial Order 3395.
4. All documents and communications referring or relating to regulations issued by bureaus and state offices to comply with Secretarial Order 3395.
5. All documents and communications referring or relating to alternative revenue streams for conservation projects, including those funded by the Land and Water Conservation Fund and the National Parks and Public Lands Legacy Restoration Fund.
6. All documents and communications with any organizations external to DOI referring or relating to the drafting or issuing of Secretarial Order 3395.

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<sup>8</sup> Dep't of the Interior, Secretarial Order 3395.

<sup>9</sup> The Protecting our Wealth of Energy Resources (POWER) Act of 2021, H.R. 543, 117th Cong. (1st Sess. 2021).

<sup>10</sup> Letter from Rep. Vicente Gonzalez, Rep. Henry Cuellar, Rep. Lizzie Fletcher, & Rep. Marc Veasey to the Honorable Joseph Biden, President (Jan. 27, 2021) (on file with author).

7. All documents and communications referring or relating to the decision to revoke previously issued drilling or mining permits.<sup>11</sup>
8. A document listing the companies and organizations whose drilling or mining permits were revoked after Secretarial Order 3395 was issued.
9. A document listing, categorized by state, all pending Applications for Permit to Drill, all other oil and gas approvals and authorizations, and mining permit approvals and authorizations categorized by state.
10. A document describing whether the lease sale in the Gulf of Mexico on March 17, 2021, as noticed prior to Secretarial Order 3395, will proceed.<sup>12</sup>
11. All documents and communications referring or relating to the March 17, 2021 lease sale noticed by the Bureau of Ocean Energy Management.
12. All documents and communications referring or relating to the execution of timber sales by the Bureau of Land Management.
13. A document sufficient to show the number of Bureau of Land Management timber contracts impacted by Secretarial Order 3395.
  - a. Provide a list of companies and organizations whose timber contracts are impacted.
14. All documents and communications referring or relating to compliance with federal mandates, including those detailed in the Minerals Leasing Act, the Outer Continental Shelf Lands Act, and the Federal Land Policy and Management Act.
15. A document listing land nominations submitted to the Bureau of Land Management, categorized by state, from January 20, 2020 through January 20, 2021.
  - a. Include the submission date of the land nomination by whom it was submitted.
  - b. Of those referenced in 15a above, the number of land nominations that are awaiting a response.
16. The last sale conducted by the Bureau of Land Management in each state.

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<sup>11</sup> Jennifer Dlouhy, *Biden Yanks Just-Approved Drilling Permits for Additional Review*, BLOOMBERG GOVERNMENT (Jan. 29, 2021).

<sup>12</sup> Notice of availability of the Proposed Notice of Sale for Gul of Mexico Outer Continental Shelf Region-Wide Oil and Gas Sale 257, 85 Fed. Reg. 223, 73508 (Nov. 18, 2020).

17. A document sufficient to show Secretarial Order 3395's impact on leases that were successfully awarded from Lease Sale 256 conducted in November 18, 2020 and Lease Sale 257 scheduled for March 17, 2021 by Bureau of Ocean Energy Management.
18. All documents and communications referring or relating to DOI's plans to address the impact of Secretarial Order 3395 on "split estates" between federal government, state, or private lands.
19. All documents and communications referring or relating to the postponement of the oil and gas sale scheduled for March 9, 2021 in Nevada.
20. All documents and communications referring or relating to the completion of congressionally mandated land exchanges and transfers.
21. A document sufficient to show the timeline for completing all congressionally mandated land exchanges and transfers.
22. A document describing Secretarial Order 3395's impact on native communities in Alaska.

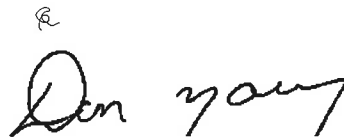
Please deliver your response to room 1329 of the Longworth House Office Building. An attachment contains additional instructions for responding to this request.

Please contact the Oversight and Investigations Subcommittee Minority staff and Energy and Mineral Resources Minority staff at (202) 225-2761 with any questions about this request. Thank you for your prompt attention to this matter.

Sincerely,



Bruce Westerman  
Ranking Member



Don Young  
Member of Congress



Louie Gohmert  
Member of Congress



Doug Lamborn  
Member of Congress



Robert J. Wittman  
Member of Congress



Tom McClintock  
Member of Congress



Paul A. Gosar, D.D.S.  
Member of Congress



Garret Graves  
Member of Congress



Jody Hice  
Member of Congress



Amata Coleman Radewagon  
Member of Congress



Daniel Webster  
Member of Congress



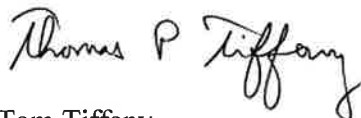
Jennifer González-Colón  
Member of Congress



Russ Fulcher  
Member of Congress



Pete Stauber  
Member of Congress



Tom Tiffany  
Member of Congress

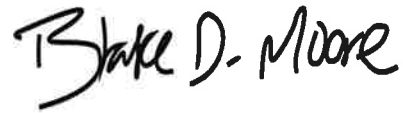


Jerry Carl  
Member of Congress

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Matt Rosendale  
Member of Congress



Blake Moore  
Member of Congress



Yvette Herrell  
Member of Congress



Lauren Boebert  
Member of Congress



Jay Obernolte  
Member of Congress



Cliff Bentz  
Member of Congress

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cc: The Honorable Raúl Grijalva, Chairman, House Committee on Natural Resources

Enclosure